

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,)
)
Plaintiff,)
) C.A. No. 22-1377-MN
v.)
) JURY TRIAL DEMANDED
MASIMO CORPORATION and)
SOUND UNITED, LLC,)
)
Defendants.)
)
<hr/> MASIMO CORPORATION,)
)
Counterclaim-Plaintiff,)
)
v.)
)
APPLE INC.,)
)
Counterclaim-Defendant.)

[PROPOSED] ORDER

At Wilmington, this ____ day of _____, 2023, having considered Plaintiff and Counterclaim-Defendant Apple Inc.'s Motion To Dismiss Masimo Corporation's Inequitable Conduct Counterclaim And Strike Its Affirmative Defense and the papers submitted in connection therewith;

IT IS HEREBY ORDERED THAT Plaintiff and Counterclaim-Defendant Apple Inc.'s Motion To Dismiss is GRANTED.

The Honorable Maryellen Noreika
United States District Judge